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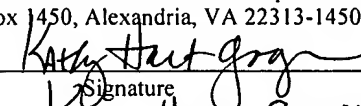
ATTORNEY DOCKET No.: 2003390-0013 (Robic 004807-0012)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: MAUCHER *et al.* Examiner: NYA  
Serial No: 10/542,113 Group Art Unit: NYA  
Filing Date: July 13, 2005  
Title: METHODS AND COMPOSITIONS FOR PRODUCING MALE STERILE PLANTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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January 17, 2006	
Date	Signature
	Kathy HART GAGNON
	Typed or Printed Name of person signing

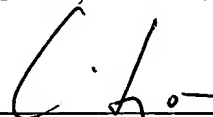
**TRANSMITTAL LETTER**

Enclosed for filing in the above-referenced patent application please find the following documents:

1. Statement Filed Pursuant to the Duty of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (6 pages);
2. Form PTO-1449 (2 pages);
3. Cited Art (16 References); and
4. Return-Receipt Postcard.

Respectfully submitted,  
CHOATE, HALL & STEWART LLP

Dated: January 17, 2006

  
Charles E. Lyon, D.Phil.  
Registration Number 56,630

PATENT DEPARTMENT  
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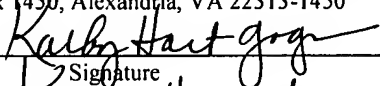
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**STATEMENT FILED PURSUANT TO THE  
DUTY OF DISCLOSURE UNDER 37 CFR §§ 1.56, 1.97 AND 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☒ An *original* Information Disclosure Statement; or  
☐ A *supplemental* Information Disclosure Statement.

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

- ☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:  
☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;
- ☒ Before the mailing of a first Office action on the merits; or
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.
- ☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:
- ☐ Certifies that *either*:
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; or

- ☐ Includes herewith the fee set forth in § 1.17(p).
- ☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:
- ☐ Certifies that *either*:
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.; and
- ☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

- ☒ A copy of each cited reference not indicated with a \* is included, except for those for which the requirement is waived pursuant to USPTO OG Notice of 8/5/03;
- ☐ Copies of references indicated with an asterisk on the attached form PTO-1449 are not included pursuant to 37 CFR § 1.98(d) because they were previously provided to the United States Patent Office in an Information Disclosure Statement that complies with 37 CFR § 1.98(a)-(c) and was submitted in the following patent application that is relied upon in the present case for an earlier effective filing date under 35 USC § 120:

Serial Number	Filing Date	Status

- ☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

- ☐ Does not contain non-English language citations;

☒ Does contain non-English language citations, of which the following is a concise explanation: **English language Abstract included with patent copy.**

☐ Includes one or more translations of a non-English citation.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b) .

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.


It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,  
CHOATE, HALL & STEWART LLP

Dated: January 17, 2006

  
\_\_\_\_\_  
Charles E. Lyon, D. Phil.  
Registration Number 56,630

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CHOATE, HALL & STEWART LLP  
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Approved for use through 07/31/2006. OMB 0651-0031

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PTO/SB/08B (08-03)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/542,113
				Filing Date	July 13 <sup>th</sup> , 2005
				First Named Inventor	MAUCHER, Helmut
				Art Unit	Not yet assigned
				Examiner Name	Not yet assigned
Sheet	2	of	2	Attorney Docket Number	004807-0012

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PARK, JOON-HYUN ET AL., The Plant Journal, vol. 31, no.1, July 2002 (2002-07), pages 1-12	
		ZHAO, DAZHONG ET AL., Current Biology, vol. 10, no 24, 2000, pages R904-R907	
		GIDDA, KAUR, SATINDER ET AL., The Journal of Biological Chemistry, vol. 278, no 20, May 16 <sup>th</sup> , 2003, pages 17895-17900	
		WASTERNAK AND HAUSE, (2002) "Prog Nucleic Acid Res Mol Biol", 72:165-221	
		FEYS ET AL., (1994) "Plant Cell", 6:751-759	
		LI ET AL., (2001) "Plant Physiol", 127 :1414-1417	
		MIERSCH ET AL., (1998) "Phytochemistry", 47:327-329	
		YOSHIHARA ET AL., (1989) "Agric., Biol., Chem.", 53:2835-2837	
		MATSUKI ET AL., (1992), "Biosci, Biotech, Biochem", 56:1329	
		KODA AND OKAZAWA, (1988) "'Plant Cell Physiol", 29:969	
		AN, ET AL., (1988) Binary vectors. In Plant Molecular Biology Manual, eds. S.B.Gelvin, and R.A.Schilperoort, A3/1-18. Martinus Nijhoff Publishers.	
		HORSCH, R.B. ET AL., (1988) Science, Vol. 227, 1229-1231	
		SAMBROOK ET AL., (1989) Molecular Cloning: A Laboratory Manual, 2nd edn. Cold Spring Harbor Laboratory Press, Cold Spring Harbor, NY.	
		MANIATIS ET AL., (1982). Molecular Cloning, A Laboratory Manual. Cold Spring Harbor Laboratory, Cold Spring Harbor, New York. pp. 387-389	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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